

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UPSTATE NEW YORK ENGINEERS HEALTH FUND, by Deborah Spaulding, as  
Administrator; UPSTATE NEW YORK ENGINEERS PENSION FUND, by  
Deborah Spaulding, as Administrator; UPSTATE NEW YORK ENGINEERS  
S.U.B. FUND, by Deborah Spaulding, as Administrator; UPSTATE NEW YORK  
ENGINEERS TRAINING FUND, by Theron Hogle and Eugene Hallock, as  
Trustees; LOCAL 106 TRAINING AND APPRENTICESHIP FUND, by Daniel J.  
McGraw and Eugene Hallock, as Trustees; CENTRAL PENSION FUND OF THE  
INTERNATIONAL UNION OF OPERATING ENGINEERS AND PARTICIPATING  
EMPLOYERS, by its BOARD OF TRUSTEES; UPSTATE NEW YORK OPERATING  
ENGINEERS, LOCAL 158, by Daniel McGraw, as Business Manager,

Plaintiffs,

– against –

ALL WAYS CONCRETE PUMPING LLC, DIANA L. SROKA, Individually and as  
an Officer of All Ways Concrete Pumping LLC, and KENNETH A. SROKA,  
Individually and as an Officer of All Ways Concrete Pumping LLC,

Defendants.

**STIPULATION  
DISMISSING  
ACTION PURSUANT  
TO FRCP RULE 41**

Civil Action No.  
5:20-cv-01429  
(DNH/ML)

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel, the attorneys of record for all Plaintiffs and Defendants (the "Parties") in the above-referenced action, no party being an infant, incompetent person, or in the military service, that the above-referenced action has been resolved and all claims and counterclaims are dismissed with prejudice. The Parties further agree to bear their own attorneys' fees and costs.

DATED: August 31, 2023

DATED: August 30, 2023

BLITMAN & KING LLP

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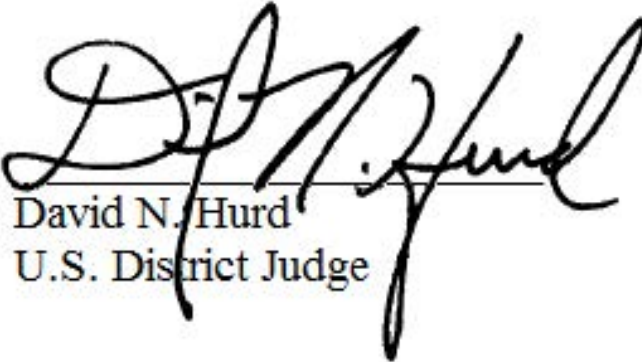
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SO ORDERED:

DATED: August 31, 2023



David N. Hurd  
U.S. District Judge